

By Senator Simmons

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1 A bill to be entitled
2 An act relating to the Department of Legal Affairs;
3 amending s. 16.56, F.S.; revising the list of offenses
4 that may be investigated and prosecuted by the Office
5 of Statewide Prosecution; creating s. 16.62, F.S.;
6 prohibiting the Department of Legal Affairs from
7 expending more than a specified amount annually to
8 purchase and distribute promotional materials or items
9 that serve to advance the goodwill of this state and
10 the department and to provide basic refreshments at
11 specified functions, seminars, or meetings; amending
12 s. 409.9203, F.S.; specifying the distribution of
13 certain funds recovered in Medicaid fraud actions;
14 amending s. 501.203, F.S.; revising the term
15 "violation of this part"; amending s. 501.204, F.S.;
16 revising legislative intent; amending s. 960.03, F.S.;
17 revising the definition of the term "crime" for
18 purposes of obtaining crime victim compensation from
19 the department to include certain forcible felonies;
20 revising provisions concerning acts involving the
21 operation of a motor vehicle, boat, or aircraft;
22 revising the definition of the term "disabled adult";
23 correcting a cross-reference; amending s. 960.13,
24 F.S.; exempting crime victim compensation awards for
25 catastrophic injury from certain deductions; amending
26 s. 960.195, F.S.; revising the maximum victim
27 compensation amounts that the department may award to
28 elderly persons or disabled adults who suffer a
29 property loss that causes a substantial diminution in

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30 their quality of life in certain circumstances;
31 revising the conditions under which elderly persons or
32 disabled adults who suffer a property loss are
33 eligible for an award; authorizing the department to
34 deny, reduce, or withdraw a specified award upon
35 finding that any claimant or award recipient has not
36 duly cooperated with certain persons and entities;
37 creating s. 960.196, F.S.; providing for relocation
38 assistance for human trafficking victims; amending s.
39 960.198, F.S.; prohibiting relocation assistance for a
40 domestic violence claim if the victim has received
41 previous relocation assistance for a human trafficking
42 claim; amending s. 960.199, F.S.; deleting provisions
43 relating to relocation assistance for human
44 trafficking victims; providing an effective date.
45

46 Be It Enacted by the Legislature of the State of Florida:
47

48 Section 1. Paragraphs (a) and (b) of subsection (1) of
49 section 16.56, Florida Statutes, are amended to read:

50 16.56 Office of Statewide Prosecution.—

51 (1) There is created in the Department of Legal Affairs an
52 Office of Statewide Prosecution. The office shall be a separate
53 "budget entity" as that term is defined in chapter 216. The
54 office may:

55 (a) Investigate and prosecute the offenses of:

56 1. Bribery, burglary, criminal usury, extortion, gambling,
57 kidnapping, larceny, murder, prostitution, perjury, robbery,
58 carjacking, and home-invasion robbery;

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- 59 2. Any crime involving narcotic or other dangerous drugs;
60 3. Any violation of ~~the provisions of~~ the Florida RICO
61 (Racketeer Influenced and Corrupt Organization) Act, including
62 any offense listed in the definition of racketeering activity in
63 s. 895.02(1)(a), providing such listed offense is investigated
64 in connection with a violation of s. 895.03 and is charged in a
65 separate count of an information or indictment containing a
66 count charging a violation of s. 895.03, the prosecution of
67 which listed offense may continue independently if the
68 prosecution of the violation of s. 895.03 is terminated for any
69 reason;
- 70 4. Any violation of ~~the provisions of~~ the Florida Anti-
71 Fencing Act;
- 72 5. Any violation of ~~the provisions of~~ the Florida Antitrust
73 Act of 1980, as amended;
- 74 6. Any crime involving, or resulting in, fraud or deceit
75 upon any person;
- 76 7. Any violation of s. 847.0135, relating to computer
77 pornography and child exploitation prevention, or any offense
78 related to a violation of s. 847.0135 or any violation of
79 chapter 827 where the crime is facilitated by or connected to
80 the use of the Internet or any device capable of electronic data
81 storage or transmission;
- 82 8. Any violation of ~~the provisions of~~ chapter 815;
83 9. Any criminal violation of part I of chapter 499;
84 10. Any violation of ~~the provisions of~~ the Florida Motor
85 Fuel Tax Relief Act of 2004;
- 86 11. Any criminal violation of s. 409.920 or s. 409.9201;
87 12. Any crime involving voter registration, voting, or

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88 candidate or issue petition activities;

89 13. Any criminal violation of the Florida Money Laundering
90 Act;

91 14. Any criminal violation of the Florida Securities and
92 Investor Protection Act; or

93 15. Any violation of ~~the provisions of~~ chapter 787, as well
94 as any and all offenses related to a violation of ~~the provisions~~
95 ~~of~~ chapter 787;

96
97 or any attempt, solicitation, or conspiracy to commit any of the
98 crimes specifically enumerated above. The office shall have such
99 power only when any such offense is occurring, or has occurred,
100 in two or more judicial circuits as part of a related
101 transaction, or when any such offense is connected with an
102 organized criminal conspiracy affecting two or more judicial
103 circuits. Informations or indictments charging such offenses
104 shall contain general allegations stating the judicial circuits
105 and counties in which crimes are alleged to have occurred or the
106 judicial circuits and counties in which crimes affecting such
107 circuits or counties are alleged to have been connected with an
108 organized criminal conspiracy.

109 (b) Investigate and prosecute any crime enumerated in
110 paragraph (a) ~~subparagraphs (a)1.-14.~~ facilitated by or
111 connected to the use of the Internet. Any such crime is a crime
112 occurring in every judicial circuit within the state.

113 Section 2. Section 16.62, Florida Statutes, is created to
114 read:

115 16.62 Authority of the Department of Legal Affairs to
116 expend funds on promotional materials and goodwill.-In addition

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117 to expenditures separately authorized by law, the Department of
118 Legal Affairs may not expend more than \$20,000 annually to
119 purchase and distribute promotional materials or items that
120 serve to advance with dignity and integrity the goodwill of this
121 state and the department and to provide basic refreshments at
122 official functions, seminars, or meetings of the department in
123 which dignitaries or representatives from the Federal
124 Government, other states, or nations, or other agencies are in
125 attendance.

126 Section 3. Subsection (5) is added to section 409.9203,
127 Florida Statutes, to read:

128 409.9203 Rewards for reporting Medicaid fraud.—

129 (5) Notwithstanding s. 68.085(3), 10 percent of any
130 remaining proceeds deposited into the Operating Trust Fund from
131 an action based on a claim of funds from the state Medicaid
132 program shall be allocated in the following manner:

133 (a) Fifty percent of such moneys shall be used to fund
134 rewards for reporting Medicaid fraud pursuant to this section.

135 (b) The remaining 50 percent of such moneys shall be used
136 by the Medicaid Fraud Control Unit to fund its investigations of
137 potential violations of s. 68.082 and any related civil actions.

138 Section 4. Subsection (3) of section 501.203, Florida
139 Statutes, is amended to read:

140 501.203 Definitions.—As used in this chapter, unless the
141 context otherwise requires, the term:

142 (3) "Violation of this part" means any violation of this
143 act or the rules adopted under this act and may be based upon
144 any of the following as of July 1, 2015 ~~2013~~:

145 (a) Any rules promulgated pursuant to the Federal Trade

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146 Commission Act, 15 U.S.C. ss. 41 et seq.;

147 (b) The standards of unfairness and deception set forth and
148 interpreted by the Federal Trade Commission or the federal
149 courts;

150 (c) Any law, statute, rule, regulation, or ordinance which
151 proscribes unfair methods of competition, or unfair, deceptive,
152 or unconscionable acts or practices.

153 Section 5. Section 501.204, Florida Statutes, is amended to
154 read:

155 501.204 Unlawful acts and practices.—

156 (1) Unfair methods of competition, unconscionable acts or
157 practices, and unfair or deceptive acts or practices in the
158 conduct of any trade or commerce are hereby declared unlawful.

159 (2) It is the intent of the Legislature that, in construing
160 subsection (1), due consideration and great weight shall be
161 given to the interpretations of the Federal Trade Commission and
162 the federal courts relating to s. 5(a)(1) of the Federal Trade
163 Commission Act, 15 U.S.C. s. 45(a)(1) as of July 1, 2015 ~~2013~~.

164 Section 6. Subsections (3) and (6) of section 960.03,
165 Florida Statutes, are amended to read:

166 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
167 960.01-960.28, unless the context otherwise requires, the term:

168 (3) "Crime" means:

169 (a) A felony or misdemeanor offense committed by an adult
170 or a juvenile which results in physical injury or death, a
171 forcible felony committed by an adult or juvenile which directly
172 results in psychiatric or psychological injury, or a felony or
173 misdemeanor offense of child abuse committed by an adult or a
174 juvenile which results in a mental injury, as defined in s.

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175 827.03, to a person younger than 18 years of age who was not
176 physically injured by the criminal act. The mental injury to the
177 minor must be verified by a psychologist licensed under chapter
178 490, by a physician licensed in this state under chapter 458 or
179 chapter 459 who has completed an accredited residency in
180 psychiatry, or by a physician who has obtained certification as
181 an expert witness pursuant to s. 458.3175. The term also
182 includes a criminal act that is committed within this state but
183 that falls exclusively within federal jurisdiction.

184 (b) A violation of s. 316.027(2), s. 316.193, s. 316.1935
185 ~~s. 316.027(1)~~, s. 327.35(1), s. 782.071(1)(b), or s.
186 860.13(1)(a) which results in physical injury or death.

187 (c) ~~however,~~ An act involving the operation of a motor
188 vehicle, boat, or aircraft which results in another person's
189 injury or death that is intentionally inflicted through the use
190 of the vehicle, boat, or aircraft; however, no other act
191 involving the operation of a motor vehicle, boat, or aircraft
192 constitutes a crime for purposes of this chapter ~~does not~~
193 ~~constitute a crime for the purpose of this chapter unless the~~
194 ~~injury or death was intentionally inflicted through the use of~~
195 ~~the vehicle, boat, or aircraft.~~

196 (d) ~~(e)~~ A criminal act committed outside this state against
197 a resident of this state which would have been compensable if it
198 had occurred in this state and which occurred in a jurisdiction
199 that does not have an eligible crime victim compensation program
200 as the term is defined in the federal Victims of Crime Act of
201 1984.

202 (e) ~~(d)~~ A violation of s. 827.071, s. 847.0135, s. 847.0137,
203 or s. 847.0138, related to online sexual exploitation and child

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204 pornography.

205 (6) "Disabled adult" means a person 18 years of age or
206 older who suffers from a condition of physical or mental
207 incapacitation due to a developmental disability, ~~or~~ organic
208 brain damage, or mental illness or who has one or more physical
209 or mental limitations that restrict the person's ability to
210 perform the normal activities of daily living.

211 Section 7. Subsection (6) of section 960.13, Florida
212 Statutes, is amended to read:

213 960.13 Awards.—

214 (6) Any award made pursuant to this chapter, except an
215 award for loss of support or catastrophic injury, shall be
216 reduced by the amount of any payments or services received or to
217 be received by the claimant as a result of the injury or death:

218 (a) From or on behalf of the person who committed the
219 crime; provided, however, that a restitution award ordered by a
220 court to be paid to the claimant by the person who committed the
221 crime shall not reduce any award made pursuant to this chapter
222 unless it appears to the department that the claimant will be
223 unjustly enriched thereby.

224 (b) From any other public or private source or provider,
225 including, but not limited to, an award of workers' compensation
226 pursuant to chapter 440.

227 (c) From agencies mandated by other Florida statutes to
228 provide or pay for services, except as provided in s. 960.28.

229 (d) From an emergency award under s. 960.12.

230 Section 8. Section 960.195, Florida Statutes, is amended to
231 read:

232 960.195 Awards to elderly persons or disabled adults for

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233 property loss.—

234 (1) Notwithstanding the criteria in s. 960.13, for crime
235 victim compensation awards, the department may award a maximum
236 of \$500 on any one claim and a lifetime maximum of \$1,000 on all
237 claims to elderly persons or disabled adults who suffer a
238 property loss that causes a substantial diminution in their
239 quality of life when:

240 (a)~~(1)~~ There is proof that a criminal or delinquent act was
241 committed;

242 (b)~~(2)~~ The criminal or delinquent act is reported to law
243 enforcement authorities within 72 hours, unless the department,
244 for good cause shown, finds the delay to have been justified;

245 ~~(3) The victim cooperates with law enforcement authorities~~
246 ~~in the investigation of the criminal or delinquent act;~~

247 (c)~~(4)~~ There is proof that the tangible personal property
248 in question belonged to the claimant;

249 (d)~~(5)~~ The claimant did not contribute to the criminal or
250 delinquent act;

251 (e)~~(6)~~ There is no other source of reimbursement or
252 indemnification available to the claimant; and

253 (f)~~(7)~~ The claimant would not be able to replace the
254 tangible personal property in question without incurring a
255 serious financial hardship.

256 (2) The department may deny, reduce, or withdraw any award
257 under subsection (1) upon finding that any claimant or award
258 recipient has not duly cooperated with the state attorney, all
259 law enforcement agencies, and the department.

260 Section 9. Section 960.196, Florida Statutes, is created to
261 read:

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262 960.196 Relocation assistance for victims of human
263 trafficking.-

264 (1) Notwithstanding the criteria specified in ss. 960.07(2)
265 and 960.13 for crime victim compensation awards, the department
266 may award a one-time payment of up to \$1,500 for any one claim
267 and a lifetime maximum of \$3,000 to a victim of human
268 trafficking who needs urgent assistance to escape from an unsafe
269 environment directly related to the human trafficking offense.

270 (2) In order for an award to be granted to a victim for
271 relocation assistance:

272 (a) There must be proof that a human trafficking offense,
273 as described in s. 787.06(3)(b), (d), (f), or (g), was
274 committed.

275 (b) The crime must be reported to the proper authorities
276 and the claim must be filed within 1 year, or 2 years with good
277 cause, after the date of the last human trafficking offense, as
278 described in s. 787.06(3)(b), (d), (f), or (g). In a case that
279 exceeds the 2-year requirement due to an active and ongoing
280 investigation, a state attorney, statewide prosecutor, or
281 federal prosecutor may certify in writing a human trafficking
282 victim's need to relocate from an unsafe environment due to the
283 threat of future violence which is directly related to the human
284 trafficking offense.

285 (c) The victim's need must be certified by a certified
286 domestic violence or rape crisis center in this state, except as
287 provided in paragraph (b). The center's certification must
288 assert that the victim is cooperating with the proper
289 authorities and must include documentation that the victim has
290 developed a safety plan.

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291 (3) Relocation payments for a human trafficking claim shall
292 be denied if the department has previously approved or paid out
293 a domestic violence or sexual battery relocation claim under s.
294 960.198 or s. 960.199 to the same victim regarding the same
295 incident.

296 Section 10. Subsection (3) of section 960.198, Florida
297 Statutes, is amended to read:

298 960.198 Relocation assistance for victims of domestic
299 violence.—

300 (3) Relocation payments for a domestic violence claim shall
301 be denied if the department has previously approved or paid out
302 a human trafficking or sexual battery relocation claim under s.
303 960.196 or s. 960.199 to the same victim regarding the same
304 incident.

305 Section 11. Section 960.199, Florida Statutes, is amended
306 to read:

307 960.199 Relocation assistance for victims of sexual battery
308 ~~or human trafficking.~~—

309 (1) The department may award a one-time payment of up to
310 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
311 victim of sexual battery, as defined in s. 794.011, ~~or a victim~~
312 ~~of human trafficking, as described in s. 787.06(3)(b), (d), (f),~~
313 ~~or (g),~~ who needs relocation assistance.

314 (2) In order for an award to be granted to a victim for
315 relocation assistance:

316 (a) There must be proof that a sexual battery offense ~~or~~
317 ~~human trafficking offense, as described in s. 787.06(3)(b), (d),~~
318 ~~(f), or (g),~~ was committed.

319 (b) The sexual battery offense ~~or human trafficking~~

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320 ~~offense, as defined in s. 787.06(3)(b), (d), (f), or (g),~~ must
321 be reported to the proper authorities.

322 (c) The victim's need for assistance must be certified by a
323 certified rape crisis center in this state ~~or by the state~~
324 ~~attorney or statewide prosecutor having jurisdiction over the~~
325 ~~offense. A victim of human trafficking's need for assistance may~~
326 ~~also be certified by a certified domestic violence center in~~
327 ~~this state.~~

328 (d) The center's certification must assert that the victim
329 is cooperating with law enforcement officials, if applicable,
330 and must include documentation that the victim has developed a
331 safety plan. ~~If the victim seeking relocation assistance is a~~
332 ~~victim of a human trafficking offense as described in s.~~
333 ~~787.06(3)(b), (d), (f), or (g), the certified rape crisis~~
334 ~~center's or certified domestic violence center's certification~~
335 ~~must include, if applicable, approval of the state attorney or~~
336 ~~statewide prosecutor attesting that the victim is cooperating~~
337 ~~with law enforcement officials.~~

338 (e) The act of sexual battery ~~or human trafficking, as~~
339 ~~described in s. 787.06(3)(b), (d), (f), or (g),~~ must be
340 committed in the victim's place of residence or in a location
341 that would lead the victim to reasonably fear for his or her
342 continued safety in the place of residence.

343 (3) Relocation payments for a sexual battery ~~or human~~
344 ~~trafficking~~ claim under this section shall be denied if the
345 department has previously approved or paid out a human
346 trafficking or domestic violence relocation claim under s.
347 960.196 or s. 960.198 to the same victim regarding the same
348 incident.

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Section 12. This act shall take effect July 1, 2015.